

## [Vol. XIII.]

will not be Billextile or Leap Year



# A LIST OF LETTERS,

In the Post-Office, at Lexington, which will be forwarded to the General Post-Office at dead letters, if not taken out within 3 months—October 1st, 1799.

**JOHN ANDERSON**, carpenter; A. Alexander Adams, Robert Alexander, eqq. Woodford county; Richard Ashton, coachmaker; Jacob Alford, Garrard county; Samuel Armstrong, Hickman creek. Judson Bratthers, Scott county; David Barrow, Montgomery county; Thomas John Bernard, Samuel Broadwell, Harrison county; David Barber, David Bell, Bourbon county; 2; William Baugh, Madison county; William Bishop, Colonel Abram Bowman, Robert Bowmer, Woodford county; Ephraim Burroughs, Garrard county; Stephen Binkell, Innis B. Brent, Edmund Binkell, Hugh Beatty, Eliza C. Blanton; 2; Edmund Blanton, John Brackinridge; 2; Capt. John Brown, to the care of John Tanner, Woodford county.

Hugh Cunningham, to the care of John McNair; Captain Samuel Crandon of Woodstock, Virginia; Thomas Conflant, near Stroud's Station; George Clerk, Woodford county; Samuel Hayes, Clothier, to the care of Mr. McNair; James Crawford, eqq. attorney at law, Winchester; 2; Catharine B. Cook, to the care of James Hughes; Lawton Clarke or William Hunter, on the Kentucky river; William Culbertson, Mettre Chapelice, Thomas Cavens, Thomas Cox, jun. to the care of Robert Barr; the rev. Benjamin Craig, Robert Campbell, Jacob Clair, John Caldwell, to the care of the rev. Jos. Howe, Montgomery county; Ebenezer Corn, Clark county; Green Clay, Madison county.

James Dundas, chair maker; Thomas Dickelton, Samuel Davis, Samuel P. Duval, Beverly Daniel, Oil Springs, Clark county; Reason Dorsey, William Drinkard, Garrard county; Dr. Amasa Delano, at Mount Sterling; Richard Dickelton, Richard Davenport.

John English, Hugh Emeson, near Georgetown; Heydon Edwards, Willott, Elliot.

Benjamin Futch, Francis Flournoy, 2 Dr. Field, Clark county; Robert Fowler, Peter Fere, Shelby county; Simeon Fisher, at Mr. Maxwells; Andrew Frazier, John Ferguson, Scott county.

Mrs. Grey, to the care of Mr. John Boggs; Mrs. Lucy Gentry, to the care of Martin Green, Madison county; Jesse George, Garrard county; George Grey, to the care of John Thompson; James Gold, Jeremiah Getty, to the care of Wm. Thornton; Andrew Garand, to the care of Ebenezer Farris.

Hamilton, Elkhorn; Wm. M. Harper, maj. John Hamill, Western army; Geo. Hamilton, Cynthia; Andrew Hanna, near Bethel Meeting house; Andrew Holmes, 3; col. Daniel Hughes, to the care of John Poffelthwait; Archibald Hulton, Georgetown; Abraham Houler, to the care of George Adams.

John H. Jones, Scott county; John James, jun. William Johnson, Woodford county; Richard Johnson, Scott county.

Archibald Kinked, Versailles; Oliver Keen, Walter Kariak, David Kerr, near Georgetown; Wm. Katts, William Kelle.

Gabriel Lewis, Scott county; John Lowrey, Jacob E. Lehre, Lexvin Lawrence, maj. James Lemmon, Scott county.

Ann Maria Marshall, Woodford; Daniel McBride, to the care of Jonas Davenport; 3; Richard Meridy, to the care of Mr. Poffelthwait; Daniel Morrison, Richard Mackendrell, to the care of Wm. White, 2; John McElroy, to the care of James Vier, William Macerar, to the care of John Small; James Morrow to the care of rev. Mr. Rankin; John Mathin, Thomas P. Maffie, William Maffie, Patrick Maffrey, to the care of Mr. Leavv. Jonas Mercey, Brick maker; John Morton, Woodford; Samuel McGhee, William McGleand, to the care of John McNair; Hugh McIlvain, William Mackham, John Miller, to the care of Wm. Levy; the hon. Samuel McDowell, the rev. Mr. Moir, James Montgomery, Allen B. Mayruder, Greenberry G. Mackenay, Sarah Marshall, Georgetown; Mrs. Ann McGregor, Robert Middleton, 2.

Wm. Nash, near Georgetown; Wm. Nelson, Thomas Nichols, at Red's mill. John Overton, John Olson.

John Pickert, Clark county, capt. Abner Price, Western army; Ebenezer S. Platt, Aaron Prather, jun. Mousening Pigg, Francis Poytress, Matthew Patton, capt. Walter Price, to the care of Mr. Stewart; John Price, to the care of Wm. Morton; William C. Porter, Logan county; John Porter, Logan county; col. Robert Patterson, Mr. Richard Phillips, Stephen Price, to the care of Wm. Alexander;

William Prufe, to the care of Robert Rogers.

William Rid, col. David Robeson, 2; Samuel Ringo, capt. John C. Richardson, Daniel Ringer, Reuben Runyon, John Robelion, capt. William Richard, 2; James Reed, to the care of the rev. M. Rankin.

Daniel Shellar, Nathaniel Slicer, near Georgetown; 3; James Stewart, Clark county; the rev. Samuel Shannon, Woodford county; John Simpson, Frederick Shafer, Elizabeth Steward, Clarke county; Lewis Sanders, Cornelius R. Suydam, Jesse Scott, Jonathan Stites, James Sneed, Richard Stites, Wm. Sutton, Georgetown, Robert Beverly Stufelield.

Messrs. Twinham and Stewart, Hannah George & Benjamin, Wm. and Thomas Tharp, Gen. Robert Todd, Edward Turner, Madison county; Samuel Tharp, Cynthia; Itham Talbert, Arthur Turner, Thomas Turpin, Woodford, Benjamin Turner, William Tremble, Clarke county; Buckner Thurlston.

Adolfus Violet, Thomas Vaughan. James Whittham, Clarke county; John Wallace, Hugh Wilson, jun. Dr. John Watkins, Jeremiah Williams, to the care of Nathaniel Barker; George Walker, John M. Williams, Clarke county, Charles Wilkins, Adam Weaver, John White, Elkhorn; Philip Watkins, Woodford; 2; Daniel Weible, James Whitehead, Joseph Wharton, John Williamson, Charles Ware, L. M. Whitehall, John Ward, Henry Watkins, Woodford; Thomas Wallen, Scott county, Mrs. Anna Wallis.

## NOTICE,

THAT the commissioners appointed by the county court of Bourbon, will meet on the 19th inst. on a tract of land containing 900 acres, entered in the name of Benjamin Bowman—also 2000 acres, entered in the name of John Martin, on Stoners fork of Licking, one mile and a half from Paris, and then and there to take the depositions of sundry witnesses, and perpetuate their testimony respecting said lands, and do such other acts as shall be deemed necessary and agreeable to law.

DANL. MATHEW.

October 2d, 1799.

## TAKE NOTICE,

THAT I shall attend with the commissioners appointed by the county court of Madison county, on the 25th day of this inst. at Boone's old mill feat. in Silver creek, in the said county of Madison, to perpetuate the testimony of sundry witnesses, respecting the special calls in an entry of 1000 acres of land, in the name of Andrew Hannah, assignee of George Smith, on a pre-emption warrant, and do such other things as may be deemed necessary and agreeable to law.

WM. HENRY.

Agent for the heirs of Andrew Hannah, decd.

N. B. Such testimony as cannot be taken on the above day, will be taken the day following, at the same place.

## NICHOLASVILLE.

TO be sold to the highest bidder, on the 25th day of October, it being court-day, the lots in the town of Nicholasville, Jefferson county—house. Twelve months credit will be given, and approved security required by

THE TRUSTEES.

August 26th, 1799.

TAKEN up by the subscriber, living about one mile from Paris, Bourbon county, a bay mare, about seven years old, about fourteen and a half hands high, three white feet, a small star in her forehead, a natural trotter, appraised to 17l.

DAVID MITCHELL.

June 25th, 1799.

The match race between Alfred and the Cinthiana Colt, which was to have been run at Frankfort, on the first Monday in next month, will (by consent of parties), be run over the Lexington turf, on the first Saturday in said month.

ALL be sold to the highest bidder, for ready cash, on the third Tuesday in October next, at the court house in Washington county, the following tract of land, or so much of each as will be sufficient to satisfy the tax and interest due thereon: being a list of non residents' lands transmitted to me by the auditor to collect the tax. The day will begin about 12 o'clock, and continue from day to day until all are sold, or the tax paid.

Francis I. Carter, 350 acres, Beech Fork waters. Thim Watkins, 420, waters Hardins creek. John Read & Son, 1330. Daniel Coleman, 120, waters North Fork Rolling fork. Francis Well, 600, Buffalo creek; 2000 Rolling Fork. William Heth, 281 2 1/2, Popes creek. Robert Graft, 200, Beech Fork. John Fowles, 420, Rolling Fork. Thomas Follis, 100, Mesure run. Colman Barre & Henry Servants, 1500, South Fork of Rolling Fork. Francis Carter, 350, Beech Fork. Anthony Hund, 1676 1/2, 935. Samuel James, 950, Rolling Fork. William Heth, 1000, do.

RICHARD BEALE, S.W.C.

## FOR SALE.

An elegant NEW STAGE, WITH COMPLETE HARNESS. One half the price may be paid in horses. Enquire at this office.

## Twenty Dollars Reward.

RUN-AWAY from the subscriber, in SUMMER county, the 5th inst. state of Tennessee, two slaves. Jack, a negro fellow, yellow complexion about five feet, 9 or 10 inches high, low-legged thick lipp'd, good countenance, very fenible, well discourented, wishes to pass for a free man, says it was the case in New-York, (which place he is making for) but says he was sold by stealth in North-Carolina—had a number of clothing, a blue broad cloth coat, buttons walked with silver, several shirts and overalls of hemp linen; spotted vest and breeches, spotted velvet dark ground, buckskin breeches and leggins.

Moses, a mulatto fellow, about six feet high, likely, well made, large feet, toes turned out when walking, a fair above his right eye—had a number of clothing, an old blue coat, red velvet, coat breeches and leggins of buckskin, several shirts and overalls of hemp linen, home spun.

Each of the above slaves has a three point blanket, tolerably well filled with clothing. The above reward will be paid to any gentleman who will secure said slaves, or any jail in the United States, and inform me, so as I may get them, paid by me,

ANTHONY SHARP.

September 16th, 1799.

ON Tuesday the 15th of October next, will be sold to the highest bidder, on the plantation of the subscriber, in Woodford county, a large flock of HORSES, CATTLE & SHEEP, on a credit of six months, for one half, and twelve months for the other half of the purchase money, to carry interest from the date, unless punctually paid, with approved security, will be required of the purchasers respectively.

Thos. Marshall.

N. B. Two fillies, and eight or ten best cattle, for sale in the mean time.

To all persons holding Land Warrants.

THE time drawing near, when the military Land Warrants granted the United States' army are to be redeemed and located, and the subscriber intending to be present at the first of government in February, when those locations are to take place, offers his services to the public as a locator. He takes the liberty of suggesting, that he is at least well acquainted with the different tracts as yet on record. Perhaps this will appear more clearly, by observing, that he has spent nearly three months with several assistants, in particularly examining the tracts, to ascertain a complete and accurate information of the situation, quality, &c. of the land in the different tracts on which those warrants are to be located. Persons entrusting him with warrants, shall be well assured that he will locate them to the best advantage, agreeably to their rights or location which is to be determined by lot, according to law. He will also have them registered, as required, and also, at his agents, who may see such vouchers as he has to offer, and which he hopes, will be satisfactory.

Mr. J. McNair keeper Lexington, Kentucky, and Mr. John Vance, jun. are duly authorized to receive warrants for location and to contract for them in my behalf.

Joseph Vance, jun.

## TO BE SOLD.

Or exchanged for a plantation in the neighborhood of Lexington, A PLANTATION, containing Five Hundred acres of first rate

## LAND,

SITUATE on the bank of the Ohio river, in Boone county, and there of Kentucky. bounded north by Cincinnati, is on an plantation, a new house, 25 by 25 feet, with two chimneys; also a new house with a new chimney, 24 by 16 feet, suitable for a tenant, with all the necessary out-buildings; about 55 acres of cleared land, under good fence, twenty five acres of which is now in small grain; 12 acres excellent meadow, set with timothy and red-clover; six acres toward half spring with red-clover—there is two bearing pear orchards, and about five young apple-trees; two springs of excellent water, with an indispensable title. said plantation is bounded on one side by Mr. John Craig, and on the other by Mr. John Bush. For terms, apply to

William Morton,

24th September, 1799.

NOTE—There is two grist, and one saw-mill, within the distance of two miles.

## W. MORTON & Co.

Have just received a quantity of 7 by 8, 9 by 10, and 10 by 12 WINDOW GLASS, Which they will sell by the box, on the most moderate terms for CASH.

Lexington, 18 October, 1799.

## NOTICE.

AS I have some thought of removing from this State, I take this method of calling lands in persons to whom I am bound for titles to lands, in any way whatsoever, to apply to me for myself, or my agent, William Buckley, who will hold overtures in readiness to comply with all my land contracts, as fully as the nature and justice of the business will admit.

JOHN GRANT.

William Buckley, jun. his atto. in fact Campbell County, September, 1799.

DO hereby forewarn all and every person from taking an assignment on a bond given by James Flanagan, to me and assigned by me to William Smith, dated about the first of this inst. for a house and lot in Winchester, Clark county, as a security for a note to give pollution, or make a title to said house and lot, as said assignment was fraudulently obtained from me.

Henry Welch.

Sept. 28th, 1799.

## FOR SALE,

Six thousand acres of Land, LYING fifteen miles from the town of St. Louis (Illinois) on the Spanish shore, and on the bank of the river. Advances which comprise into the Mississippi there is about 100 acres cleared, on which is a good dwelling-house, and convenient outbuildings, garden, meadow and horse mill; also excellent land for crops, which is occupied, and a water for salt making, is conducted as to admit the water to run from the spring into the kettles, as they stand in the furnaces—those unoccupied will admit of further advantage, and are at a very little distance from each other. There are a number of valuable fresh water springs on the land, one of which forms a creek, which runs through the improvements, on which is a good mill-race, and a great facility—there is plenty of good timber on the land.

## THE TERMS

will be made every year, as a credit of three, or even four years, will be given—the product of the salt works will facilitate the payments, as it has been ascertained that 100 tubs of salt can be made in 24 hours, which sells generally for three dollars per tub—For further particulars, apply to the subscriber at St. Louis.

P. CLAMORGAN.

September 26th, 1799.

ALEXANDER PARKER

AS I lately received from Philadelphia, in addition to his former papers, a number of papers, in Lexington, Callenders affected

Fine & needles assorted	Booting cloths and Turkey yarn
Double mill cloth	Drub plums and indigo
Fine white cloth	White lead
Mixed, plain, twilled and striped	Col. 3d. and 8d. nails
Striped & 100 blankets	Col. cut, whelp and faws
Velvets, couteurs & thickets	Sad irons and anvils
Fine and coarse muslins	Tin plate in boxes
Paris & tainford's dyes	Copper bottoms for fills and kettles
Chintzes and calicoes assorted	Sheet copper and wire
Fish, German and Russian lines	Crowley's feed
Trunks, &c.	Trunks, &c.

Which he will sell for cash, at a much lower profit than he has done heretofore.

Lexington, September 30th, 1799.

C. N. BISHOP, JR. & A. F. CLARK, JR.

BY the county court of Bourbon county, will meet at Mr. Isaac Ruddle's mill on Hinglons fork of Licking, on Saturday the 19th of October next, and proceed from thence to the place where the house stood, which John Huggin lived in, in the summer 1776, in order to take depositions, and perpetuate the testimony of witnesses for the establishment of Thomas Anderson's entry of 1267 1/2 acres—thence to the back of said note, to the entry of Robert Caldwell's entry of 1931 acres; all which entries depend on the following entry—to wit: "Doctor Anderson entered 2500 acres, on feudal warrants, Numbers, 1423, 1145; being about 1000 acres, from Ruddle's Station, beginning two and a half miles N. E. from the place where the house stood which John Huggin lived in, in the summer 1776, and running a line from said beginning N. 25 E. 30, then extending from each end of said line, S. 65 E. until a line parallel to the same shall include the quantity of vacant land."

WILLIAM GRIFFITH, & JOHN FOWLER,

for Robert Caldwell.

## A CAUTION.

ALL persons are forewarned from purchasing, or taking in payment of a note, under seal, given by me to Joseph Turner, for the payment of one hundred & seventeen pounds, on the first day of March 1799, dated the 13th day of February 1799, and running on the back of said note, No. 261, 139, and 80, dated May 12, 1799; as I am determined not to pay it unless corrected by law, or the title to the land fully secured, for the payment of which the above note was given.

PETER SMITH.

September 1st, 1799.

Lexington, September 26.

The yellow fever has paid its annual visit to New-Orleans, and many American citizens have fallen victims to its ravages. Among the number is Capt. Samuel Price, of this place.

In Philadelphia and New-York, the fever appears to be stationary, the deaths not exceeding 20 per day

A brace of letters said to have been written by Barbary, col. of the hussars of Szeckler by his royal highness the archduke Charles, has been published in the New-York Commercial Advertiser, and copied with avidity into a number of the other prints. These letters are designed to fix the crime of the assassination of Robert and Bonnier, at the door of the French directory, and were they true, would contain at least presumptive evidence of their guilt. But they bear such evident marks of forgery, as scarcely to be entitled to a moment's consideration. The ministers were murdered on the 9th Floral, (Apr. 28th).—The letters were addressed to prince Charles on the 30th of April, and 1st of May. Whoever compares them with the note of the emperor to the German diet, dated June 6, published in the Times of Thursday last; with the letter from prince Charles to Massena, published July 24th; and with Barbary's other letter, cannot be at much loss in forming an opinion on the subject.

European accounts have been published as late as July 6th. It can scarcely be supposed that the combined powers would take much pains to suppress for such a length of time, the publication of letters of such primary importance in wiping off an indeleble stain from the character of Germany.

(Alexandria Times)

FOR NEWS, SEE GAZETTE EXTRA.



Warrant for  
supply of  
provisions.

of the Squadron, or of a captain where there is no commander of a Squadron present, shall be sufficient to procure the supply of the quantity wanted, from the agent, or navy agent at such port.

Provisions  
to be inspected.

19. The captains are frequently to cause to be inspected the condition of the provision, and if the bread proves damp, to have it aired upon the quarter deck, and other convenient places; and in case of the pickle being leaked out of the flesh casks, he is to have new pickle made and put therein, after such casks are repaired.

Cloaths, &c.  
of deceased  
to be secured.

20. The captain shall cause the purser to secure the cloaths, bedding and other things, of such persons as shall die or be killed, to be delivered to their executors or administrators.

Papers  
found on  
board of  
captured  
vessels to be  
preserved.

21. All papers, charter-parties, bills of lading, passports and other writings, whatsoever found on board any ship or ships which shall be taken, shall be carefully preserved, and the originals sent to the court of justice for maritime affairs, appointed or to be appointed for judging concerning such prize or prizes; and if any person or persons shall wilfully or negligently destroy or suffer to be destroyed any such paper or papers, he or they so offending, shall forfeit his or their share of such prize or prizes, and suffer such other punishment as they shall be judged by a court-martial to deserve: And if any person or persons shall embezzle or steal, or take away any cables, anchors, sails or any of the ships furniture, or any of the powder, arms, ammunition or provisions of any ship belonging to the United States, or of any prize taken by a ship or ships aforesaid, or maltreat or steal the effects of any prisoner, he or they so offending, shall suffer such punishment as a court martial shall order.

Penalty on  
stealing cer-  
tain things.

Preparation  
for fight.

22. When in sight of any ship, ships or other vessels of the enemy, or at such other times, as may appear necessary to prepare for an engagement, the captain shall order all things in his ship in a proper posture for fight, and shall, in his own person, and according to his duty, heart on and encourage the inferior officers and men to fight courageously, and not to behave themselves faintly, or cry for quarters, on pain of such punishment as the offence shall appear to deserve, for his neglect.

Cowardice.

23. Any captain, officer or other person who shall not exert himself, or who shall basely desert his duty or station in the ship, and run away while the enemy is in sight, or in time of action, or shall entice others to do so, shall suffer death, or such other punishment as a court martial shall inflict.

Mutiny and  
sedition.

24. Any officer, seaman, mariner or other person who shall disobey the orders of his superior, or begin, excite, cause or join in any mutiny or sedition, in the ship to which he belongs, or in any other ship or vessel in the service of the United States, on any pretence whatsoever, shall suffer death, or such other punishment as a court-martial shall direct; and further, any person in any ship or vessel belonging to the service aforesaid, who shall utter any words of sedition and mutiny, or endeavor to make any mutinous assembly, on any pretence whatsoever, shall suffer such punishment as a court-martial shall inflict,



25. None shall presume to quarrel with or strike his superior officer, on pain of such punishment as a court-martial shall order to be inflicted.

Quarreling with, or striking a superior officer.

26. If any person shall apprehend he has just cause of complaint, he shall quietly and decently make the same known to his superior officer, or to the captain, as the case may require, who shall take care that justice be done him.

To whom complaints shall be made known.

27. There shall be no quarreling or fighting between shipmates, on board any ship belonging to the United States, nor shall there be used any reproachful or provoking speeches, tending to make quarrels and disturbances, on pain of imprisonment or of such punishment as the captain or a court-martial shall judge proper to inflict.

Quarreling and fighting, &c.

28. If any person shall sleep upon his watch, or negligently perform the duty which shall be enjoined him to do, he shall suffer such punishment as the captain or a court-martial shall inflict.

Neglect of duty.

29. All murder shall be punished with death.

Murder.

30. All robbery and theft, not exceeding twenty dollars, shall be punished at the discretion of the captain, and above that sum as a court-martial shall inflict.

Robbery and theft.

31. Any master of arms, or other person of whom the like duty may be required refusing to receive such prisoner, or prisoners as shall be committed to his charge, or having received them, shall suffer him or them to escape or dismiss them without orders from his captain, the commander in chief of the navy, or the commander of a squadron, for so doing, shall suffer in his or their stead, as a court-martial shall order and direct.

Master of arms misbehaving.

32. The captains, officers, and others shall use their utmost endeavors to detect, apprehend and bring to punishment all offenders, and shall at all times readily assist all officers and others appointed for that purpose, in the discharge of such duty, when it is required, on pain of being proceeded against and punished by a court-martial at discretion.

Duty of detecting and apprehending offenders.

33. If any officer whatsoever, mariner, marine soldier or other person, belonging to any ship or vessel of war in the service of the United States, shall give, hold or entertain intelligence, to or with any enemy or rebel, without leave from the government, commander in chief, or in case of a single ship, from his captain, every such person so offending, and being thereof convicted by the sentence of a court-martial, shall be punished with death.

Correspondence with enemies or rebels.

34. If any letter or message from an enemy or a rebel, be conveyed to any officer, mariner, marine or other person belonging to any ship or vessel in the service of the United States, and the person as aforesaid shall not within twelve hours, having opportunity so to do, acquaint his superior or commander in chief with it, or if any superior officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief, commander of a squadron, or other proper officer appointed to take cognizance of such of-

Letters or messages from enemies or rebels, to be made known.



fence, every such person so offending, and being convicted thereof by the sentence of a court-martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and according to the sentence of a court-martial.

Spies.

35. All spies, and all persons whatsoever, who shall come or be found in the nature of spies, to bring or deliver any seducing letter or message, from an enemy or rebel, or endeavor to corrupt any captain, officer, mariner, marine or other person in the fleet, to betray his trust, being convicted of any such offence by the sentence of a court-martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court-martial shall impose.

Supplying  
enemies or  
rebels.

36. No person in a fleet, or in a single ship or vessel, shall supply an enemy or rebel with stores, money, victuals, arms, ammunition or any kind of stores, directly or indirectly, upon pain of death, or such other punishment as a court-martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

Running a-  
way to the  
enemy, &c.  
or yielding  
cowardly,  
&c.

37. Every person in or belonging to any ship or vessel in the service of the United States, who shall desert or run away with any vessel or boat, to the enemy or otherwise, or with any effects of the United States whatsoever, or yield up the same cowardly or treacherously, shall suffer death, or such other punishment as a court-martial shall inflict.

Duty as to  
convoy.

38. The officers and seamen, &c. of all ships appointed for convoy and guard of merchantmen, shall diligently attend upon that charge, without delay, according to their instructions, and whosoever shall be faulty therein shall be punished as a court-martial shall direct.

Penalty on  
receiving  
merchandise  
on board.

39. If any captain, commander or other officer of any ship or vessel in the service of the United States, shall receive or permit on board his vessel, any goods or merchandise, other than for the sole use of his vessel, except gold, silver or jewels, and except the goods and merchandise of vessels which may be in distress or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for the proper owner, without legal orders from the naval department, every person so offending, being convicted thereof, by the sentence of a court-martial, shall be cashiered, and be forever afterwards rendered incapable to serve in any place or office in the navy service of the United States.

Waste and  
embezzle-  
ment of  
stores.

40. There shall be no wasteful expence of any powder, shot, ammunition or other stores, in the vessels belonging to the United States, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment to be inflicted upon the offenders, abettors, buyers and receivers, as shall be by a court-martial found just in that behalf.



41. Every person in the navy who shall unlawfully burn or set fire to any kind of public property, not then appertaining to an enemy, pirate or rebel, being convicted of any such offence by the sentence of a court-martial, shall suffer death. Unlawfully setting fire to public property.

42. Care shall be taken, in steering and conducting every ship belonging to the United States, so that through wilfulness, negligence or other defaults, no ship be stranded or hazarded, upon pain that such as shall be found guilty therein, be punished as the offence, by a court-martial, shall be judged to deserve. Care to be used in navigating.

43. Every officer or other person in the navy, who shall knowingly make or sign a false muster, or procure the making or signing thereof, or shall aid or abet in the same, shall be cashiered, and rendered incapable of further employment in the navy service of the United States, and shall forfeit all the pay and subsistence money due to him. Making a false muster.

44. Every person guilty of mutiny, desertion or disobedience to his superior officer on shore acting in the proper line of his duty, shall be tried by a court-martial, and suffer the like punishment for every such offence, as if the same had been committed at sea, on board any ship or vessel of war in the service of the United States. Mutiny, desertion, and disobedience on shore.

45. If any person belonging to any ship or vessel of war in the service of the United States, shall when on shore, on duty or otherwise, plunder, abuse or maltreat any inhabitant, or injure his property in any way, such person shall be punished as a court-martial shall direct. Offences on shore against the inhabitants.

46. All faults, disorders and misdemeanors which shall be committed on board any ship belonging to the United States, and which are not herein mentioned, shall be punished according to the laws and customs in such cases at sea. Punishment of misdemeanors not specified.

47. No court-martial to be held or appointed by virtue of this act, shall consist of more than thirteen, nor less than five persons, to be composed of such commanders of squadrons, captains and sea lieutenants, as are then and there present, and as are next in seniority to the officer who presides; but no lieutenants shall set on a court-martial held on a captain, or a junior lieutenant on that of a senior. How a court martial shall be composed

48. Every member of a court-martial, shall take the following oath: "I, A. B. do swear, that I will well and truly try, and impartially determine the cause of the prisoner now to be tried, according to the rules of the navy of the United States. So help me God." Which oath shall be administered by the president to the other members, and the president himself shall be sworn by the officer next in rank; and as soon as the above oath shall have been administered, the president of the court is required to administer to the judge-advocate, or person officiating as such, an oath in the following words: "I, A. B. do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereto required by Oaths of the court martial.  
Judge advocate,



and witness-  
es. an act of Congress. So help me God." And all the witnesses, before they be admitted to give evidence, shall take the following oath: "I, A. B. do swear, that the evidence I shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help me God."

Sentences of  
courts mar-  
tial, in capi-  
tal cases to  
be confirm-  
ed, &c. 49. The sentence of a court-martial for any capital offence shall not be put in execution until it be confirmed by the commander in chief of the fleet. And it shall be the duty of the president of every court-martial, to transmit to the commander in chief of the fleet, and to the head of the navy department, every sentence which shall be given, with a summary of the evidence and proceedings thereon, as soon as may be.

Commander  
in chief may  
remit sen-  
tences of  
death. 50. The commander in chief of the fleet, for the time being, shall have power to pardon and remit any sentence of death, in consequence of any of the aforementioned articles.

Misbehavior  
of witnesses. Sec. 2. *And it is hereby further enacted*, That if any person in the navy service, being called upon to give evidence at any court-martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court-martial, to punish such offender by imprisonment, at the discretion of the court; such imprisonment in no case to continue longer than three months; and that all and every person and persons who shall commit any wilful perjury, in any evidence or examination upon oath at such court-martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in any of the courts of the United States, by indictment or information. And all and every person lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences, by the laws therein provided.

Authority  
of the offi-  
cers to con-  
tinue after  
the vessel is  
lost. Sec. 3. *And it is hereby further enacted by the authority aforesaid*, That in all cases where the crews of the ships or vessels of the United States, shall be separated from their vessels, by the latter being wrecked, lost or destroyed, all the command, power and authority given to the officers of such ships or vessels, shall remain and be in full force, as effectually as if such ship or vessel was not so wrecked, lost or destroyed, until they shall be regularly discharged from the service of the United States, or removed into some other of its said ships, or until a court-martial shall be held to enquire into such loss of the said ship or vessel; and if upon enquiry it shall appear by the sentence of the court-martial, that all or any of the officers, seamen, marines and others of the said ship or vessel, did their utmost to preserve, get off or recover the said ship or vessel, and after the loss thereof, did behave themselves obediently to their superior officers, according to the discipline of the navy and the said articles and orders herein before established, then all the pay and wages of the said officers and seamen, or such of them as shall have done their duty as aforesaid, shall con-

In such case  
a court-  
martial is to  
be held.



time and go on, and be paid to the time of their discharge or death; and every such officer or seaman, who after the wreck or loss of his said ship or vessel, shall act contrary to the discipline of the navy, or the articles herein before established, or any of them, shall be sentenced by the said court-martial, and be punished as if the ship to which he did belong, was not so wrecked or destroyed.

Sec. 4. *And be it further enacted*, That all the pay and wages of such officers and seamen of any of the ships of the United States, as are taken by the enemy, and upon enquiry at a court-martial, shall appear by the sentence of the said court, to have done their utmost to defend the ship or ships and since the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein before established, shall continue and go on as aforesaid, until they be exchanged and discharged, or until they shall die, whichever may first happen: *Provided always*, That persons flying from justice shall be tried and punished for so doing.

Prisoners  
pay to go on.

Sec. 5. *And be it further enacted*, That all captured national ships or vessels of war, shall be the property of the United States; all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns shall be the sole property of the captors; and all ships or vessels of inferior force, shall be divided equally between the United States and the officers and men of the vessel making the capture.

To whom  
prizes shall  
belong.

Sec. 6. *And be it further enacted*, That the produce of prizes taken by the ships of the United States, and bounty for taking the ships of the enemy, be proportioned and distributed in the manner following, to wit:

Distribution  
of prize mo-  
ney and  
bounty.

1. To the captain actually on board at the time of taking any prize, being other than public or national vessel, or ship of war, three twentieths of that proportion of the proceeds belonging to the captors.

2. If such captain or captains, be under the immediate command of a commander in chief, or commander of a squadron, having a captain on board, such commander in chief, or commander of a squadron, to have one of the said twentieth parts, and the captain taking the prize, the other two twentieth parts.

3. To the sea lieutenants and sailing master, two twentieths.

4. To marine officers, the surgeon, purser, boatswain, gunner, carpenter, master's mate and chaplain, two twentieths.

5. To midshipmen, surgeon's mates, captain's clerk, clergyman or schoolmaster, boatswain's mates, gunner's mates, carpenter's mates, ship's steward, sail maker, master at arms, armourer and cockswain, three twentieths.

6. Gunner's yeoman, boatswain's yeoman, quarter masters, quarter gunners, cooper, sail maker's mates, serjeant of marines, corporal of marines, drummer and fifer, and extra petty officers, three twentieths.